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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

DIVISION OF MARKETING AND MARKETING AGREEMENTS

TERMINATION OF MARKETING AGREEMENT AND LICENSE FOR DRIED PRUNES PRODUCED IN THE STATE OF CALIFORNIA

Whereas, the marketing agreeement for dried prunes produced in the State of California, executed by the Secretary of Agriculture on August 16, 1934, as amended on August 8, 1935, provides that "Whenever all reserve tonnage prunes have been disposed of, all assets of the Control Board have been liquidated, and its obligations have been discharged, the Secretary shall so find and shall terminate this Agreement;" and

Whereas, the Secretary of Agriculture hereby finds that the Control Board, established under the aforesaid marketing agreement, as amended, and under the license for dried prunes produced in the State of California, issued on August 16, 1934, as amended, has, in accordance with its duties thereunder, disposed of all reserve tonnage prunes, liquidated its assets, and discharged its obligations:

Now, therefore, it is ordered by the Secretary of Agriculture that the aforesaid marketing agreement, as amended, and the aforesaid license, as amended, be, and the same hereby are, terminated, effective August 21, 1939.

In witness whereof, the Secretary of Agriculture has executed this order in duplicate and has caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 17th day of August 1939.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3038; Filed, August 17, 1939; 12:41 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-269]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE COTTON CONVERTING INDUSTRY

Promulgation

Due proceedings having been held[1] under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth,[2] which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of August 18, 1939.

Statement by the Commission

Trade practice rules for the Cotton Converting Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

These rules provide for the elimination and prevention of various unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, and are directed toward promoting and maintaining fair competitive conditions and protection of purchasers and the public interest. They constitute

[1] 4 F.R. 2724 DI.

[2] These rules supersede the rules previously promulgated for this industry on July 21, 1936. They also replace the rules promulgated for the following industries on the dates specified: Clothing Cotton Converting Industry, September 1, 1931 (Part 51); Shirting Fabrics Industry, December 14, 1931 (Part 66); and the All-Cotton Wash Goods Industry, June 30, 1933 (Part 96).

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FEDERAL REGISTER

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a revision and extension of the rules which had heretofore been issued by the Commission for this industry on July 21, 1936,[3] and take the place of such previously issued rules.

The industry is composed of converters and integrated producers of cotton piece goods and mixed cotton and rayon goods. Such goods, converted and sold by the members of the industry, embrace fabrics for clothiers' linings; corset, brassiere, and allied trade fabrics; converted curtain and drapery fabrics; shirting fabrics; wash goods fabrics; interlining fabrics; bleached goods; and all other cotton and cotton-mixture fabrics. According to available information, the industry handles at least 51 per cent of the entire production of such goods and has an estimated total volume of annual sales averaging $500,000,000 or more.

The proceeding for the establishment of trade practice rules was instituted upon application of the industry. In the course thereof a draft of the rules as proposed for the industry was made available upon public notice issued by the Commission to all interested or affected parties, whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearing pursuant to such notice was held in Washington on July 17, 1939, and all matters submitted in the proceeding were duly received and considered.

Thereafter, and upon consideration of the entire proceeding, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing herein under Group I and Group II.

In addition to the rules issued July 21, 1936, which are herein revised and extended, trade practice rules for various branches of this industry had theretofore been published under the auspices of the Commission as follows: Clothing Cotton Converting, September 1, 1931; Shirting Fabrics, December 14, 1931; and All-Cotton Wash Goods, June 30, 1933. The present rules, as now promulgated, provide a consolidated and uniform set of trade practice provisions for the entire membership of the Cotton Converting Industry, and they supersede and take the place of all such previously published rules which had formerly been in effect.

The new trade practice rules for this industry are as follows:

THE RULES

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

NOTE: The rules do not supplant, or relieve any member of the industry or other party of the necessity of complying with, applicable fiber identification rules and other pertinent Group I rules approved and promulgated by the Federal Trade Commission.

Group I

The unfair trade practices which are embraced in the Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited, within the purview of the Federal Government, by acts of Congress, as construed in the decisions of the Federal Trade Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation or other organization, of such unlawful practices in or directly affecting interstate commerce.

(§ 110.1) RULE 1. *Misrepresentation of industry products.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, use, size, material, content, thread count, origin, shrinkage properties, color fastness, washability, production, manufacture or distribution of any product of the industry or concerning any component of such product, or in any other material respect.

(§ 110.2) RULE 2. *Misbranding.* The false or deceptive marking or branding of products of the industry with respect to the grade, quality, quantity, use, size, material, content, thread count, origin, shrinkage properties, color fastness, washability, production, manufacture or distribution of such products, or in any other material respect, is an unfair trade practice.

(§ 110.3) RULE 3. *False invoicing.* Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the effect of thereby misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 110.4) RULE 4. *Deception as to origin.* In respect to any fabrics of the following types: (1) fabrics which have been woven or fabricated in a foreign country and imported in the gray or other unfinished state and dyed or finished in the United States; or (2) fabrics which have been imported in the finished state and dyed, redyed or refinished in the United States; *it is an unfair trade practice:*

(a) To offer for sale, sell or distribute any such fabrics under marks, stamps, brands, labels or representations which have the capacity and tendency or effect of misleading or deceiving purchasers or the consuming public into the erroneous belief that such fabrics were woven or fabricated in the United States, or that they were not so dyed, finished, redyed or refinished in the United States, as the case may be; or

(b) To offer for sale, sell or distribute any such fabrics without the same being marked, stamped, branded or labeled so as to indicate clearly and nondeceptively (1) the country of origin of the fabric, and (2) that such fabrics were woven or fabricated in such country and were dyed or finished or redyed or refinished in the United States, as the case may be; the failure, refusal or omission to so mark, stamp, brand or label such fabrics having the tendency and capacity or result of thereby promoting, abetting or effectuating the marketing of such products under conditions which are misleading or deceptive to purchasers or the consuming public.

(Nothing in this rule shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the customs laws or regulations, or other applicable provisions of law or regulation, relating to the marking of imported articles.)

(§ 110.5) RULE 5. *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the tendency, capacity or effect of

[3] 1 F.R. 846.

misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 110.6) RULE 6. *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

(§ 110.7) RULE 7. *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors.

(§ 110.8) RULE 8. *Imitation of trademarks, etc.* The practice of imitating or causing to be imitated, or directly or indirectly promoting or aiding the imitation of, the trade-marks, trade names or other exclusively owned symbols or marks of identification of competitors, or the exclusively owned patterns of competitors which have not been directly or by operation of law dedicated to the public, having the capacity, tendency or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 110.9) RULE 9. *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality or manufacture of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services, or conditions of employment, is an unfair trade practice.

(§ 110.10) RULE 10. *Fictitious price lists.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 110.11) RULE 11. *Use of lottery schemes.* The offering or giving of prizes, premiums or gifts in connection with the sale of industry products, or as an inducement thereto, by any scheme which involves lottery or scheme of chance, is an unfair trade practice.

(§ 110.12) RULE 12. (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc.,[4] which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[5] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, or credit, or freight or transportation cost or any percentage thereof, or other form of price differential,[4] where such rebate, refund, discount, or credit, or freight or transportation cost or any percentage thereof, or other form of price differential [4] effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[5] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[5] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce [5] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[5] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce [5] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce [5] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce [5], in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 12.

(§ 110.13) RULE 13. *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce or induce another, directly or indirectly, to

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[4] Paragraph (a) of Rule 12 shall not be construed as embracing practices prohibited by Paragraphs (b), (c), and (d) of this rule.

[5] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That this shall not apply to the Philippine Islands.

use or promote the use of any unfair trade practice specified in these rules.

Group II

Compliance with the trade practice provisions embraced in these Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Non-observance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. In the interest of the public and of itself, the industry urges all members of the industry to adhere to the practice of not opening their sales offices on Saturdays and Sundays for the transaction of business.

RULE B. Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry.

RULE C. When goods are sold by specifications or construction, in order that accurate information regarding the type of goods sold or offered for sale may be known to purchasers, the industry approves the practice of placing on the confirmation of order and on the invoice the gray construction, i. e., gray width, count and weight, in the case where the goods sold are to be delivered in the gray; and in the case where the goods sold are to be delivered in the finished state, the industry approves the practice of placing on the confirmation of order and invoice the finished construction, i. e., the width, count and weight in such finished state. The omission from the confirmation of order or invoice of any such information required by this rule is condemned by the industry.

Promulgated and issued by the Federal Trade Commission as of August 18, 1939.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3030; Filed, August 16, 1939; 4:10 p. m.]

[Docket No. 3238]

IN THE MATTER OF WILLIAM C. STEFFY, ET AL.

§ 3.69 (a) (3a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) (7.1a) *Misrepresenting oneself and goods—Business status, advantages or connections—identity:* § 3.69 (c 10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.96 (b) (1.0a) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) (2) *Using misleading name—Vendor—Identity.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., through the use of the term "Rogers Silverware", either alone or in connection with any other term or terms in a corporate or trade name, or in any other manner, that respondents have an interest in, form a part of, or have any connection with, the manufacturers of Simon L. and George H. Rogers Silverware, or representing in any manner that respondents have an interest in, form a part of, or have any connection with, the International Silverware Company, the Atlas Globe China Company, or any other manufacturer or manufacturers of silverware, chinaware or earthenware, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., through the use of the term "Rogers Silverware", either alone or in connection with any other term or terms, or in any other manner, that premium certificates, cards, coupons or other and similar devices can be redeemed in silverware manufactured by the manufacturers of Simon L. and George H. Rogers Silverware, or can be redeemed in any other silverware or other merchandise, unless and until such are the facts and unless all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with said offer, and there is no deception as to the price, quality, character or any other feature of such silverware or other merchandise or as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (a) (10a) *Misrepresenting oneself and goods—Business status, advantages or connections—Operations as special or other advertising:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware, or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., that respondents are conducting any special campaign or advertising campaign to introduce, advertise or sell any article or articles of merchandise on behalf of a manufacturer or manufacturers of silverware, earthenware or chinaware, or any other manufacturer or concern, unless such a campaign is in fact being conducted at the instance of, and on behalf of, such manufacturer or concern, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (a) (.1) *Misrepresenting oneself and goods—Business status, advantages or connections—Business methods:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other cor-

porations, and respondents' representatives, etc., that respondents sell premium certificates, cards, coupons or other and similar devices or other merchandise in any territory or locality exclusively to any purchaser therein unless and until such is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (b) (15) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) (16c) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (k3) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., that respondents will refund the sum of $4.50 or any other sum to the purchasers of premium certificates, cards, coupons or other and similar devices, or that the respondents will supply to their customers without charge display sets of silverware or other merchandise, to become the property of such customers, unless and until such are the facts, and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by such purchasers or customers in connection with obtaining such refund and display set of silverware or other merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (c) (2a) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., that the retail price of radios is $24.00 or $39.99, or any other amount or amounts, unless and until said radios are customarily and ordinarily sold at retail at such amount or amounts, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939].

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., others with radios or other merchandise, together with a padlock and a number of keys, which said padlock and keys are to be used or may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of said radios or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., any merchandise, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., by means of a lottery, game of chance, or a gift enterprise, or supplying, etc., others with any lottery device, game of chance or a gift enterprise so as to enable such persons to dispose of or sell any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WILLIAM C. STEFFY, LORINA STEFFY, AND G. V. PARKINSON

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents William C. Steffy and G. V. Parkinson, in which said respondents admit all of the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearings as to said facts, and upon the testimony taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, relative to the acts and practices of respondent Lorina Steffy, and the Commission having made its findings as to the facts and its conclusion that respondents William C. Steffy and G. V. Parkinson have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents William C. Steffy and G. V. Parkinson, individually and trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeau China Company, or China Sales Syndicate, or trading under any other name or names, or trading through the corporations Security Silverware Distributors, Inc., United States Sales Corporation, or through any other corporation or corporations, their representatives, agents and employees, directly or through any other corporate or other device, in connection with the offering for sale, sale and distribution of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, cards, or other and similar devices redeemable in silverware, earthenware, chinaware or any other merchandise, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing through the use of the term "Rogers Silverware" either alone or in connection with any other

[1] 3 F.R. 1002 DI.

term or terms in a corporate or trade name, or in any other manner, that respondents have an interest in, form a part of, or have any connection with, the manufacturers of Simon L. and George H. Rogers Silverware, or from representing in any manner that respondents have an interest in, form a part of, or have any connection with the International Silverware Company, the Atlas Globe China Company or any other manufacturer or manufacturers of silverware, chinaware or earthenware;

(2) Representing through the use of the term "Rogers Silverware" either alone or in connection with any other term or terms, or in any other manner, that premium certificates, cards, coupons or other and similar devices can be redeemed in silverware manufactured by the manufacturers of Simon L. and George H. Rogers Silverware, or can be redeemed in any other silverware or other merchandise, unless and until such are the facts and unless all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with said offer and there is no deception as to the price, quality, character or any other feature of such silverware or other merchandise or as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other merchandise;

(3) Representing that respondents are conducting any special campaign or advertising campaign to introduce, advertise or sell any article or articles of merchandise on behalf of a manufacturer or manufacturers of silverware, earthenware or chinaware, or any other manufacturer or concern unless such a campaign is in fact being conducted at the instance of and on behalf of such manufacturer or concern;

(4) Representing that respondents sell premium certificates, cards, coupons or other and similar devices or other merchandise in any territory or locality exclusively to any purchaser therein unless and until such is the fact;

(5) Representing that respondents will refund the sum of $4.50 or any other sum to the purchasers of premium certificates, cards, coupons or other and similar devices or that the respondents will supply to their customers without charge display sets of silverware or other merchandise to become the property of such customers unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by such purchasers or customers in connection with obtaining such refund and display set of silverware or other merchandise;

(6) Representing that the retail price of radios is $24.90 or $39.99 or any other amount or amounts unless and until said radios are customarily and ordinarily sold at retail at such amount or amounts;

(7) Supplying to, or placing in the hands of, others said radios or other merchandise together with a padlock and a number of keys which said padlock and keys are to be used or may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of said radios or other merchandise to the general public;

(8) Selling or otherwise disposing of any merchandise by means of a lottery, game of chance, or a gift enterprise;

(9) Supplying to, or placing in the hands of, others any lottery device, game of chance or a gift enterprise so as to enable such persons to dispose of or sell any merchandise by the use thereof.

It is further ordered, That this proceeding in so far as it relates to respondent Lorina Steffy, be and the same hereby is, closed without prejudice.

It is further ordered, That the respondents William C. Steffy and G. V. Parkinson shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3031; Filed, August 16, 1939; 4:01 p. m.]

[Docket No. 3354]

IN THE MATTER OF OSTREX COMPANY, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Ostrex", or other similar preparation, that use of such preparation has any beneficial effect on the blood, unless such representation is limited to those cases of persons having an abnormal blood count and hemoglobin percentage and having a type of anemia which may be beneficially affected by the administration of iron, or is beneficial in stimulating or invigorating any glands of the body, unless such representation is limited to the effectiveness of the iodine and calcium contained in said preparation on the thyroid or parathyroid glands, or in increasing weight, unless such representation is limited to statements to the effect that said preparation may stimulate the appetite and may counteract deficiencies in calcium, phosphorus and iron, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ostrex Company, Inc., Docket 3354, August 8, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Ostrex", or other similar preparation, that such preparation will carry new life and power to nerve cells or will invigorate or revitalize weak organs of the body, or that use thereof will beneficially affect the nerves, unless such representation is limited to those cases of nervous disorders caused by a deficiency of calcium or phosphorus, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ostrex Company, Inc., Docket 3354, August 8, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (j) (4) *Advertising falsely or misleadingly—Government approval or connection—Tests:* § 3.6 (y1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Representing, in connection with offer, etc., in commerce, of respondent's "Ostrex", or other similar preparation, that the iron contained in raw oysters is more beneficial in building up the blood than iron contained in other forms of organic or inorganic compounds, or that such preparation is made from Government inspected oysters, unless and until said preparation is made from oysters which have been inspected and approved by accredited representatives of the United States Government, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ostrex Company, Inc., Docket 3354, August 8, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Ostrex Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a me-

dicinal preparation now designated "Ostrex" or any other preparation possessing substantially similar therapeutic properties or composed of substantially similar ingredients, whether sold under the same name or any other name or names in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that the use of said preparation has any beneficial effect on the blood unless such representation is limited to those cases of persons having an abnormal blood count and hemoglobin percentage and having a type of anemia which may be beneficially affected by the administration of iron;

2. Representing that the use of said preparation is beneficial in stimulating or invigorating any glands of the human body unless such representation is limited to the effectiveness of the iodine and calcium contained in said preparation on the thyroid or parathyroid glands;

3. Representing that said preparation will carry new life and power to nerve cells or will invigorate or revitalize weak organs of the human body;

4. Representing that the use of said preparation is beneficial in increasing weight unless such representation is limited to statements to the effect that said preparation may stimulate the appetite and may counteract deficiencies in calcium, phosphorus and iron;

5. Representing that the use of said preparation will beneficially affect the nerves unless such representation is limited to those cases of nervous disorders caused by a deficiency of calcium or phosphorus;

6. Representing that the iron contained in raw oysters is more beneficial in building up the blood than iron contained in other forms of organic or inorganic compounds;

7. Representing that said preparation is made from Government inspected oysters unless and until said preparation is made from oysters which have been inspected and approved by accredited representatives of the United States Government.

It is further ordered, That the respondent shall, within sixty days after service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3032; Filed, August 16, 1939; 4:01 p. m.]

[Docket No. 3640]

IN THE MATTER OF T. NOONAN & SONS COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Noonan's Vitamin F Scalp Cream" or other similar preparation, which advertisements represent, directly or through implication, that (a) dandruff or itching scalp, singly or in combination, are a usual cause of baldness in the male or impairment of the texture or color of the hair in the female, or that the said preparation will permanently eradicate dandruff or itching scalp, invigorate the roots of the hair, prevent the natural oil of the scalp from being lost and the hair from falling out, avert baldness, promote the growth of new hair, restore unhealthy hair to health, or have more than a transitory effect upon the texture or appearance of the scalp or hair; or that (b) any condition of the hair or scalp is due to a dietary deficiency; or that (c) the said preparation contains "Vitamin F"; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, T. Noonan & Sons Company, Docket 3640, August 3, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, T. Noonan & Sons Company, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of a certain medicinal preparation now designated by the name of "Noonan's Vitamin F Scalp Cream", or any other preparation composed of similar ingredients or possessing substantially similar therapeutic qualities whether sold under that designation or any other designation, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisements represent, directly or through implication that:

(a) Dandruff or itching scalp, singly or in combination, are a usual cause of baldness in the male or impairment of the texture or color of the hair in the female, or that the said preparation will permanently eradicate dandruff or itching scalp, invigorate the roots of the hair, prevent the natural oil of the scalp from being lost and the hair from falling out, avert baldness, promote the growth of new hair, restore unhealthy hair to health, or have more than a transitory effect upon the texture or appearance of the scalp or hair;

(b) Any condition of the hair or scalp is due to a dietary deficiency;

(c) The said preparation contains "Vitamin F".

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3033; Filed, August 16, 1939; 4:02 p. m.]

[Docket No. 3658]

IN THE MATTER OF JOHN GREY THE FUR DESIGNER, INC.

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* Representing, in connection with offer, etc., in commerce, of respondent's patterns or designs, through the use of the word "Paris", either alone or in conjunction with any other word or words, or through the use of any other term or terms indicative of French or other foreign origin, or in any other manner, that clothing patterns or designs which have been made in the United States have been made in Paris, France, or in any other foreign country, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John Grey The Fur Designer, Inc., Docket 3658, August 3, 1939]

§ 3.6 (cc) (3) *Advertising falsely or misleadingly—Source or origin—Maker:*

§ 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker.* Representing, in any manner, in connection with offer, etc., in commerce, of respondent's patterns or designs, that clothing patterns or designs which have not been made or designed by Molyneux, Schiaparelli, Max, Paquin, Maggy, Rouff, Chanel, Jenny, Vionnet, or Worth, have been made or designed by such person or persons, or representing that such patterns or designs have been made or designed by any person who is not in fact the actual maker or designer thereof, or using the names of well-known designers of women's clothing, or any other term or terms having the capacity or tendency to deceive the purchasing public as to the identity of the maker or designer of the patterns or designs sold by respondent, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John Grey The Fur Designer, Inc., Docket 3658, August 3, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, John Grey The Fur Designer, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its patterns or designs in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, through the use of the word "Paris", either alone or in conjunction with any other word or words, or through the use of any other term or terms indicative of French or other foreign origin, or in any other manner, that clothing patterns or designs which have been made in the United States, have been made in Paris, France; or in any other foreign country.

(2) Representing in any manner that clothing patterns or designs which have not been made or designed by Molyneux, Schiaparelli, Max, Paquin, Maggy, Rouff, Chanel, Jenny, Vionnet or Worth, have been made or designed by such person or persons, or representing that such patterns or designs have been made or designed by any person who is not in fact the actual maker or designer thereof:

(3) Using the names of well-known designers of women's clothing, or any other term or terms having the capacity or tendency to deceive the purchasing public as to the identity of the maker or designer of the patterns or designs sold by respondent.

It is further ordered, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3034; Filed, August 16, 1939; 4:02 p. m.]

[Docket No. 3842]

IN THE MATTER OF USONA SHIRT COMPANY

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties.* Using, in connection with offer, etc., in commerce, of textile fabrics including men's shirts and other like articles, the words "Shrunk", "Pre-Shrunk", or "Full Shrunk", or any other words or terms of similar import or meaning, to describe, designate, or in any way refer to, any fabric which is not in fact shrink-proof or non-shrinkable, or which has not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left therein, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Usona Shirt Company, Docket 3842, August 8, 1939]

§ 3.6 (m10) *Advertising falsely or misleadingly—manufacture:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture.* Using, in connection with offer, etc., in commerce, of textile fabrics including men's shirts and other like articles, the words "Custom Made", or any other words or terms of similar import and meaning, to designate, describe, or in any way refer to, shirts or other products which are not made especially for each individual customer, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Usona Shirt Company, Docket 3842, August 8, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (i) *Misbranding or mislabeling—Quality.* Representing, in connection with offer, etc., in commerce, of textile fabrics including men's shirts and other like articles, that respondent's products possess a quality, grade, character or condition superior to or different from that which they actually possess, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Usona Shirt Company, Docket 3842, August 8, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Usona Shirt Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of textile fabrics including men's shirts and other like articles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Shrunk," "Pre-Shrunk," or "Full Shrunk," or any other words or terms of similar import or meaning, to describe, designate, or in any way refer to, any fabric which is not in fact shrink-proof or nonshrinkable, or which has not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left therein;

2. Using the words "Custom Made," or any other words or terms of similar import and meaning, to designate, describe, or in any way refer to, shirts or other products which are not made especially for each individual customer;

3. Representing that respondent's products possess a quality, grade, character or condition superior to or different from that which they actually possess.

It is further ordered, That the respondent shall, within sixty (60) days after

[1] 4 F.R. 2337 DI.

the service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3035; Filed, August 16, 1939; 4:02 p. m.]

[Docket No. 3792]

IN THE MATTER OF JAMES HEDDON'S SONS

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data:* § 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.48 (b) (6) *Disparaging competitors and their products — Goods — Qualities or properties.* Representing in any manner, in connection with offer, etc., in commerce, of respondent's Improved Heddon Pal hollow steel fishing rod, or other fishing rods, that all hollow steel fishing rods, other than respondent's hollow steel rods, have walls which are thicker at the butt than at the tip, or using any depiction, pictorial representation, or other advertisement which shows in incorrect proportion the relative thickness of the walls at the tip and butt of respondent's or other hollow steel fishing rods, or any section or sections thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, James Heddon's Sons, Docket 3792, August 8, 1939]

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests:* § 3.48 (b) (10) *Disparaging competitors and their products—Goods—Tests.* Stating, in connection with offer, etc., in commerce, of respondent's Improved Heddon Pal hollow steel fishing rod, or other fishing rods, the results of, or making representations relative to, tests of respondent's or other fishing rods, unless such tests were made by competent persons independent of respondent, prohibited; subject to provision that if such tests are made by persons not independent of respondent, there must be stated in direct connection therewith, in words of equal conspicuousness, the connection of such persons with respondent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, James Heddon's Sons, Docket 3792, August 8, 1939]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data:* § 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests:* § 3.48 (b) (7) *Disparaging competitors and their products—Goods—Quality—By means of false or misleading tests.* Representing, in connection with offer, etc., in commerce, of respondent's Improved Heddon Pal hollow steel fishing rod, or other fishing rods, that the results of comparative tests of respondent's fishing rods with other rods show respondent's rods to be superior, unless and until such is the fact and unless such representation is limited to the superiority of respondent's rods in only those factors proven by such tests, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, James Heddon's Sons, Docket 3792, August 8, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, James Heddon's Sons, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its Improved Heddon Pal hollow steel fishing rod, or other fishing rods, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that all hollow steel fishing rods, other than respondent's hollow steel rods, have walls which are thicker at the butt than at the tip;

2. Using any depiction, pictorial representation, or other advertisement which shows in incorrect proportion the relative thickness of the walls at the tip and butt of respondent's or other hollow steel fishing rods, or any section or sections thereof;

3. Stating the results of, or making representations relative to, tests of respondent's or other fishing rods, unless such tests were made by competent persons independent of respondent, provided that if such tests are made by persons not independent of respondent, there must be stated in direct connection therewith, in words of equal conspicuousness, the connection of such persons with respondent;

4. Representing that the results of comparative tests of respondent's fishing rods with other rods show respondent's rods to be superior unless and until such is the fact and unless such representation is limited to the superiority of respondent's rods in only those factors proven by such tests.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3036; Filed, August 17, 1939; 10:49 a. m.]

TITLE 26—INTERNAL REVENUE

BUREAU OF INTERNAL REVENUE

[T. D. 4922]

TAX ON TELEGRAPH, TELEPHONE, RADIO, AND CABLE FACILITIES; TRANSPORTATION OF OIL BY PIPE LINE, AND ELECTRICAL ENERGY; SUBTITLE C OF THE INTERNAL REVENUE CODE

To Collectors of Internal Revenue and Others Concerned:

Section 1 of the Revenue Act of 1939, aproved June 29, 1939, reads in part as follows:

SEC. 1. CONTINUATION OF EXCISE TAXES * * *.

Sections * * * 3452, 3460 (a), 3465, * * * of the Internal Revenue Code are amended by striking out "1939" wherever appearing therein and inserting in lieu thereof "1941". * * *.

In conformity with the provision of law quoted above, articles 1, 8, 25, and 39 of Regulations 42 (revised October 1932), as amended (sections 130.1, 130.8, 130.25, and 130.39 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 [1] (Part 465, Subpart B of such Title 26), under the authority contained in sections 3431 and 3472 of the Internal Rev-

[1] 4 F.R. 879 DI.

enue Code, are further amended to read as follows:

"ART. 1. *Effective period.*—The tax is imposed upon payments for the transmission by telegraph, telephone, cable, or radio of dispatches, messages, and conversations originating in the United States prior to July 1, 1941, regardless of the date of payment.

"ART. 8. *Effective period.*—The tax imposed under section 3465 (b) attaches to the amount paid for any leased wire or talking circuit special service furnished prior to July 1, 1941. If the rendition of the service occurs prior to July 1, 1941, the tax attaches thereto notwithstanding the date of payment.

"ART. 25. *Effective period.*—The tax imposed under section 3460 applies to all transportation of crude petroleum and liquid products thereof by pipe line where the movement begins prior to July 1, 1941. In the case of any such transportation by pipe line where the movement originates prior to July 1, 1941, and ends on or after that date, the tax attaches to the entire amount charged for the transportation, although paid on or after July 1, 1941.

"ART. 39. *Effective period.*—The tax applies to electrical energy sold prior to July 1, 1941."

(This Treasury decision is prescribed pursuant to sections 3452, 3460 (a) and 3465 of the Internal Revenue Code (53 Stat., Part 1), as amended by section 1 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and sections 3431 and 3472 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, August 15, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3027; Filed, August 16, 1939; 1:12 p. m.]

[T. D. 4923]

TAX ON ADMISSIONS, CHAPTER 10, SUBCHAPTER A OF THE INTERNAL REVENUE CODE

To Collectors of Internal Revenue and Others Concerned:

Section 1 of the Revenue Act of 1939, approved June 29, 1939, reads in part as follows:

SEC. 1. CONTINUATION OF EXCISE TAXES * * *.

Sections 1700 (a) (1) * * * of the Internal Revenue Code are amended by striking out "1939" wherever appearing therein and inserting in lieu thereof "1941". * * *.

In conformity with the provision of law quoted above, article 57 of Regulations 43 (revised June 1932), as amended (section 100.57 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939[1] (Part 465, Subpart B of such Title 26), under the authority contained in section 3791 of the Internal Revenue Code, is further amended to read as follows:

"ART. 57. *Effective date of change in exemption.* The sums paid for admission which are not subject to tax under section 1700 (a) (1) of the Internal Revenue Code (same as section 500 (a) (1), as amended, of the Revenue Act of 1926) are those which are 'less than 41 cents'. Effective July 1, 1941, any sum of '$3.00 or less' paid for admission will not be taxable. The time of payment and not the time of admission will govern in determining which exemption is applicable. Consequently, if a person should purchase a ticket of admission for an amount in excess of 40 cents where the payment was made before July 1, 1941, for an admission to take place after that date, the payment so made would be subject to tax."

(This Treasury decision is prescribed pursuant to section 1700 (a) (1) of the Internal Revenue Code (53 Stat., Part 1), as amended by section 1 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and section 3791 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 15, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3028; Filed, August 16, 1939; 1:12 p. m.]

[T. D. 4924]

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 188—BOTTLING OF DISTILLED SPIRITS IN BOND FOR EXPORT

To District Supervisors and Others Concerned:

Pursuant to authority in Sections 2903 to 2906, inclusive, and Section 2910, Internal Revenue Code, Regulations No. 6, Bottling of Distilled Spirits in Bond, approved June 3, 1938, as amended,[2] are hereby further amended by adding thereto Sections 45 to 62, inclusive, to read as follows:

§ 45 *Distilled spirits which may be bottled in bond for export.* Under the provisions of Sections 2903 to 2906, inclusive, of the Internal Revenue Code, distilled spirits which have remained in wooden containers for at least four years from the date of original gauge as to fruit brandy, or original entry as to other spirits (except gin for export) and have been duly entered for withdrawal for bottling in bond for export and have been duly gauged and the required marks, brands and export stamps affixed to the packages containing the same, may be removed to the bottling house for bottling in bond for export. Such spirits may be reduced in the bottling tank by the addition of pure water only to not less than 80 per centum proof.

Pursuant to the provisions of Section 2910 of the Internal Revenue Code, gin of not less than 80 per centum proof may at any time within eight years after entry in bond be bottled in bond for export.

§ 46 *Application for withdrawal of spirits for bottling for export.* Whenever spirits are to be withdrawn from an internal revenue bonded warehouse for bottling in bond for immediate exportation, application for withdrawal therefrom will be made on Form 206. If the spirits are to be withdrawn for bottling for temporary storage before exportation, application for withdrawal will be made on Form 655.

§ 47 *Size and kind of bottles.* Distilled spirits may be bottled in bond for export in the following sized bottles and no others:

1 quart.
⅘ quart.
1 pint.
½ pint.
Less than ½ pint.[1]

Bottles must be filled as nearly as possible to conform to the amount stated to be contained therein but in no case may the amount of spirits contained in any bottle vary from the amount intended or stated to be contained therein more than 2 per cent. Bottles to be used for bottling distilled spirits in bond for export shall be tested as to capacity in accordance with the provisions of Section 37 of these regulations.

Liquor bottles as defined in Regulations 13 may be used, but will not be required in bottling distilled spirits in bond for export.

§ 48 *Denominations of export strip stamps.* Export strip stamps will be provided in the following denominations only:

1 quart.
⅘ quart.
1 pint.
½ pint.
Less than ½ pint.

§ 49 *Number of export stamps in sheet.* Export strip stamps of "Less than ½ pint" denomination will be issued 50 in a sheet. Export strip stamps of all other denominations will be issued 42 in a sheet. Requisitions for stamps by proprietors of warehouses must be made for full sheets. Stamps less than a full sheet may not be sold by a Collector.

§ 50 *Requisitioning; shipping and overprinting export strip stamps.* Export strip stamps will be requisitioned, shipped and overprinted in the manner provided in Sections 16, 18, 19 and 20 of these regulations for requisitioning, ship-

[1] 4 F.R. 879 DI.
[2] 4 F.R. 1389 DI.

[1] Bottles of less than ½ pint capacity may be of size desired.

ping and overprinting of strip stamps for distilled spirits bottled in bond for domestic consumption, except that in overprinting export strip stamps the proof at which the spirits are to be bottled will be printed on the stamps in addition to the other required data.

§ 51 *Record of export stamps, Form 1606.* The storekeeper-gauger will keep a separate record, marked "Export," on Form 1606 of the number of each denomination of export strip stamps received by him during the month, the number turned over to the proprietor for overprinting and returned to him, the number used during the month, and the number on hand at the beginning and close of the month. A summary statement (Part 2 of Form 1606) of such record shall be prepared and forwarded to the District Supervisor each month as provided by the instructions on the form.

§ 52 *Labeling of distilled spirits bottled for export.* All bottles containing distilled spirits bottled in bond for export shall have securely affixed thereto a label showing the following information:

1. Kind of spirits.
2. Name of actual bona fide distiller, or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused.
3. Proof of the spirits.
4. The words "Bottled in bond for export."

The caution notice prescribed in Section 23 for spirits bottled in bond for domestic consumption will not be required on spirits bottled for export.

§ 53 *Construction of cases for spirits bottled in bond for export.* Cases constructed according to the specifications set forth in Sections 27 and 28, or in accordance with specifications which may be approved hereafter, may be used for packaging spirits bottled in bond for export.

§ 54 *Capacity of cases.* Spirits bottled in bond for export shall be packed in cases to contain not less than 2.0 wine gallons nor more than 5.0 wine gallons each.

§ 55 *Numbering of cases.* Each case containing distilled spirits bottled in bond for export will be given a serial number. The series of numbers in use for numbering cases containing spirits bottled for domestic consumption will be continued in numbering cases containing spirits bottled in bond for export. Remnant cases will be given the same serial number as the last full case containing spirits in the same bottling lot followed by the letter "R."

§ 56 *Marking cases for spirits bottled for export.* The Government side of cases used for packaging distilled spirits bottled in bond for export will be marked as provided in Section 30 (a) for distilled spirits bottled in bond for domestic consumption, and in addition thereto the number and capacity of the bottles contained therein, the wine and proof gallon contents, the words "For Export from U. S. A.," the name of the domestic port from which, and the foreign port to which, the spirits are to be shipped, and the date of withdrawal for exportation, will be plainly burned, embossed, printed or stenciled thereon in letters and figures of not less than ½ inch in height. The marks and brands will be placed on the cases in the following manner and order:

SERIAL NO. 100 — 12 1-quart bottles

JOHN BARLEYCORN & CO.

Distillery No. 564 — Louisville, Ky.

Bottled at INTERNAL REVENUE BONDED WAREHOUSE No. 300—Ky. — John Doe, U. S. Storekeeper-Gauger, Insp. June 5, 1939 — 3.00 wine gals. 2.40 proof gals. 80 proof.

Made Fall, 1934 — Bottled Spring, 1939

For Export from U. S. A.

NEW YORK TO LONDON — June 6, 1939

§ 57 *Application for export strip stamps.* Application will be made on Form 1515 (Part 1), in duplicate, to the storekeeper-gauger for the necessary export strip stamps to cover the bottles of spirits to be filled. If the number and denomination of stamps requested by the proprietor are necessary to cover the quantity of spirits to be bottled, the storekeeper-gauger will issue the stamps and make the necessary entry on his record of stamps, Form 1606. Upon completion of the bottling, the details of the statement "Cases filled," Part 2 of Form 1515, will be filled in by the storekeeper-gauger in accordance with the instructions on the form, and one copy with the cut-out portions of the export barrel stamps attached thereto will be forwarded to the District Supervisor. Appropriate entry will also be made of the cases filled on Form 206 or Form 655 in accordance with the instructions on the form.

§ 58 *Affixing of export strip stamps, use of caps, cups, and cartons.* Export strip stamps must be securely affixed to the bottles in the same manner as strip stamps are required to be affixed to spirits bottled in bond for domestic consumption. The provisions of Section 38 of these regulations, respecting the affixing of strip stamps, and the use of cups, caps, seals, and cartons on bottles so stamped, shall apply to spirits bottled for export.

§ 59 *Remnants.* Where the spirits remaining in a bottling tank are found to be less than the quantity necessary to constitute a full case of bottled spirits, the spirits so remaining shall be immediately drawn off, bottled and cased. Such remnant may be tax-paid for domestic consumption, or may be removed to the export storage warehouse for storage until the next lot of spirits of the same kind, produced by the same distiller during the same year and distilling season are dumped for bottling for exportation, at which time the remnant case may be returned to the bottling house and the bottles used for filling a complete case, or, if the spirits are of the age and proof required for domestic bottled in bond spirits, the remnant case may be deposited in the bonded warehouse for subsequent disposition in the manner provided by regulations for the disposition of remnant cases of spirits bottled in bond for domestic purposes.

Indicia bottles must be used in the event the remnant is to be drawn off into bottles of a capacity of ½ pint or greater for tax-payment or for return to the bonded warehouse for subsequent disposition as bottled in bond spirits. The bottles must be stamped with red strip stamps, unless the spirits are 100 degrees proof and have remained in wooden containers for at least four years from the date of original gauge as to fruit brandy, or original entry as to other spirits, in which event they may be stamped with domestic bottled in bond stamps. The bottles must also be properly labeled. The cases containing the remnant bottles must be marked and branded as required by the respective regulations governing the bottling of tax-paid spirits or spirits bottled in bond for domestic purposes. Bottles in remnant cases deposited in the export storage warehouse must be strip stamped and labeled with export labels and the case containing same must be marked and branded as prescribed by these regulations for marking cases of spirits bottled in bond for export, except as to the date of withdrawal and the names of the ports.

In all cases where a remnant is disposed of as heretofore provided, notation will be made in Part 2 of Form 1515 and on Form 206 or Form 655, as the case may be, showing the disposition made of such remnant.

§ 60 *Tax-payment of losses in bottling and remnants.* Losses in bottling spirits for export will be reported on Form 1607 for tax-payment, as provided in Section 39 of these regulations. The tax will be paid on remnant cases which it is desired to remove for domestic consumption, pursuant to application on Form 1519, properly modified for the purpose. However, such remnant will be removed immediately upon completion of the bottling to the tax-paid room.

§ 61 *Remnant cases returned to bottling house.* When remnant cases are to be returned to the bottling house from the export storage warehouse for use in filling a complete case, they will be in-

cluded in the application, Form 206, or Form 655, covering the withdrawal of bulk containers for bottling for export.

§ 62 *Records.* Export bottling transactions will be reported on the Storekeeper-Gauger's Monthly Return, Form 1516, and the District Supervisor's Monthly Account, Form 1517, respectively, as provided in Sections 41 and 42, and in accordance with the instructions on the respective forms.

These sections shall be effective on and after October 1, 1939.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 15, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3039; Filed, August 17, 1939; 12:43 p. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT IN THE MEDICAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenants, Medical Corps, Regular Army, will be held within the continental limits of the United States from December 4 to December 8, 1939, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General.

3. Applications received after November 18, 1939, will not be considered. (Sec. 24, 41 Stat. 774; sec. 4, 35 Stat. 67; 10 U.S.C. 92, 93) [Sec. III, Cir. No. 58, W.D., Aug. 9, 1939]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-3029; Filed, August 16, 1939; 3:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1939.

[File No. 32-168]

IN THE MATTER OF NEW YORK POWER AND LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 6 (b) and 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on August 25, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 23, 1939.

The matter concerned herewith is in regard to

(1) The proposed acquisition by New York Power and Light Corporation of such of its First Mortgage Bonds, 4½% Series due 1967, presently outstanding in the aggregate principal amount of $66,000,000, as may be presented in response to a proposed offer of Applicant to issue its first Mortgage Bonds, 3⅜% Series due 1969, in exchange for Bonds of the 4½% Series due 1967, at par. The Exchange Offer will be conditioned upon the deposit pursuant thereto of not less than $22,582,000 aggregate principal amount of the Bonds of the 4½% Series due 1967, and upon the making of satisfactory arrangements by the Applicant for the redemption by the Applicant of such of the Bonds of the 4½% Series due 1967 as are not deposited pursuant to the Exchange Offer, and for the redemption of the First Mortgage, Five Percent, Thirty Year Bonds of Port Henry Light, Heat and Power Company (a predecessor of Applicant) outstanding in the principal amount of $269,000, and for the payment at maturity on November 1, 1939, of the $313,000 principal amount of First Mortgage, Five Percent Bonds of Troy Gas Company (a predecessor of Applicant) outstanding in the hands of the public.

(2) The proposed issue and sale by New York Power and Light Corporation of not to exceed $66,582,000 aggregate principal amount of its First Mortgage Bonds, 3⅜% Series due 1969 and 3½% Series due 1964, said bonds to be issued under the indenture securing the Applicant's presently outstanding First Mortgage Bonds, 4½% Series due 1967, and an indenture supplemental thereto, as follows:

(a) Bonds of the 3⅜% Series due 1969 in an aggregate principal amount equal to the aggregate principal amount of the Applicant's presently outstanding First Mortgage Bonds, 4½% Series due 1967, which may be deposited pursuant to the Exchange Offer referred to above; and

(b) Bonds of the 3½% Series due 1964 in an amount equal to the difference between $66,582,000 and the aggregate principal amount of Bonds of the 3⅜% Series due 1969, issued pursuant to the Exchange Offer, but not more than $44,000,000 principal amount, said bonds to be sold privately at a price to the Applicant of not less than 106.5% of the principal amount thereof plus accrued interest. The proceeds of the sale will be used to redeem at the redemption price of 104.6% of their principal amount, plus accrued interest, such Bonds of the 4½% Series due 1967, not exchanged for Bonds of the 3⅜% Series due 1969; to pay at maturity the $313,000 principal amount of Troy Gas Company's First Mortgage Five Percent Bonds due November 1, 1939; and to redeem the $269,000 principal amount of Port Henry Light, Heat and Power Company's First Mortgage Five Percent Bonds due August 1, 1946, at the redemption price of 105% of their principal amount plus accrued interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3037; Filed, August 17, 1939; 11:45 a. m.]